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October 10, 2024

By ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

MEMO ENDORSED

Re: *Landsman v. Banks*, No. 24-cv-04409-VEC

Dear Judge Caproni:

This Office represents Defendants in the above-referenced action. I write on behalf of all parties to submit this joint letter pursuant to the Court's August 9, 2024 Order (ECF No. 13). The only remaining issue in this case is whether, and to what extent, Plaintiffs are entitled to attorneys' fees as prevailing parties in the underlying administrative proceeding. The parties believe this issue can be resolved without the need for judicial intervention. Accordingly, the parties respectfully request the Court enter an order as follows:

- Adjourning *sine die* the Initial Pretrial Conference currently scheduled for October 18, 2024 at 10:00 a.m. Plaintiffs previously requested an adjournment of the Initial Pretrial Conference once before.
- Extending Defendants' time to respond to the Complaint from October 25, 2024 to December 20, 2024, to allow the parties time to negotiate a settlement of Plaintiffs' request for attorneys' fees. Plaintiffs' counsel anticipates sending their billing documents to Defendants' counsel soon, so Defendants can begin to assess Plaintiffs' fee request. This is Defendants' second request for an extension of this deadline.
- Although the parties currently believe a settlement can be achieved through direct negotiations, if the parties reach an impasse, then the parties will jointly write to the Court requesting a settlement conference before a magistrate judge.
- If the parties are still unable to reach a settlement after attending a settlement conference, then the parties propose the following schedule for summary-judgment briefing: Plaintiffs will file a motion for summary judgment on January 10, 2025; Defendants will oppose the motion by January 31, 2025; Plaintiffs will file a reply by February 14, 2025.

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The parties thank the Court for its consideration of these requests.

Respectfully submitted,



Nicholas R. Tambone
Assistant Corporation Counsel

cc: All counsel of record (by ECF)

Application GRANTED. The Initial Pretrial Conference scheduled for Friday, October 18, 2024, at 10:00 A.M. is ADJOURNED *sine die*. Defendants' time to answer or otherwise respond to the Complaint is extended from October 25, 2024, to **December 20, 2024**.

The Court directs the parties to file a joint status update by not later than **December 13, 2024**, to inform the Court of the progress of settlement negotiations and whether the parties will require a settlement conference before a magistrate judge.

SO ORDERED.



10/11/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE